

IC 36-9-39.1

Chapter 39.1. Alternative Assessment Financing for Municipal Sewage Works

IC 36-9-39.1-1**Application of chapter**

Sec. 1. This chapter applies to all municipalities.

As added by P.L.169-2006, SEC.82.

IC 36-9-39.1-2**"Board"**

Sec. 2. As used in this chapter, "board" means the following:

- (1) A board described in IC 36-9-23-5.
- (2) A board described in IC 36-9-25-2.

As added by P.L.169-2006, SEC.82.

IC 36-9-39.1-3**"Fund"**

Sec. 3. As used in this chapter, "fund" refers to a sewer improvement and extension fund established under section 5 of this chapter.

As added by P.L.169-2006, SEC.82.

IC 36-9-39.1-4**Adoption of resolution**

Sec. 4. If a board wants to construct, repair, extend, or improve a sewage works, the board may adopt a resolution providing that the construction, repair, extension, or improvement will be financed under this chapter.

As added by P.L.169-2006, SEC.82.

IC 36-9-39.1-5**Ordinance establishing fund**

Sec. 5. (a) A municipality may adopt an ordinance establishing a sewer improvement and extension fund to finance the construction, repair, extension, or improvement of a sewage works.

(b) A fund consists of the following:

- (1) A special assessment imposed and collected under section 7 of this chapter. However, a special assessment imposed and collected under any other statute may not be deposited in the fund.
- (2) An appropriation to the fund, including an appropriation made from taxes levied by a municipal legislative body for the construction, repair, extension, or improvement of a sewage works.

As added by P.L.169-2006, SEC.82.

IC 36-9-39.1-6**Transfer of money to fund**

Sec. 6. (a) The legislative body of a municipality that establishes

a fund may appropriate money from the municipal general fund and transfer the money to the fund.

(b) During the fiscal year in which a municipality establishes a fund, the legislative body of the municipality may make an emergency appropriation from the municipal general fund and transfer the money to the fund.

As added by P.L.169-2006, SEC.82.

IC 36-9-39.1-7

Appropriation of money for sewage works

Sec. 7. (a) A board may adopt an ordinance or a resolution to appropriate money from funds under the board's control to pay for all or part of the cost of the construction, repair, extension, or improvement of a sewage works.

(b) Any costs not paid under subsection (a) must be paid by:

- (1) an assessment imposed under subsection (c) against the benefited properties; or
- (2) a contract under IC 36-9-22.

Any interest or penalties attributable to an assessment under this section must be deposited in the fund.

(c) The board may adopt a resolution to impose an assessment to finance the construction, repair, extension, or improvement of a sewage works. The assessment must be imposed and collected as provided by the street and sewer improvement statutes.

As added by P.L.169-2006, SEC.82.

IC 36-9-39.1-8

Contracts for sewage works

Sec. 8. (a) A contract for the construction, repair, extension, or improvement of a sewage works is subject to the statutes authorizing municipalities to make and finance public improvements.

(b) Upon awarding a contract for the construction, repair, extension, or improvement of a sewage works under this chapter, a board shall:

- (1) carefully compute the entire cost of the construction, repair, extension, or improvement, including payments to the contractor and all incidental costs, expenses, and damages paid and incurred according to law; and
- (2) prepare and make out an assessment roll listing the assessments against the properties benefited.

In determining and fixing the amount of assessments, the giving of notice of assessments, the holding of public hearings, and the making of final determinations, subject to the right of appeal from those determinations, the board is governed by the street and sewer improvement statutes.

(c) An assessment under this chapter is a lien against the benefited property from the time of the letting of the contract and shall be collected in the manner provided for collection of Barrett Law assessments.

(d) The board shall fix a period of not more than twenty (20) years

within which the assessments shall be paid.

(e) A property owner liable for an assessment may execute a waiver in the manner provided by the street and sewer improvement statutes to pay the assessment in annual installments over a period fixed by the board.

(f) All payments under this chapter are deposited into the fund.
As added by P.L.169-2006, SEC.82.